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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,620	09/09/2003	Cheol Wang Lim	1615.03	2553

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EXAMINER

DEPUMPO, DANIEL G

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/658,620	Applicant(s) LIM, CHEOL WANG	
	Examiner Daniel G. DePumpo	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/03</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The disclosure is objected to because of the following informalities: At paragraph 5, “first rock” should be –first lock--.

Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ma ‘486.

4. Claims 1, 2, 6, 7, 10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shih.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ma '486 in view of Augustin.

As set forth above, Ma teaches substantially all that is claimed, but does not disclose that the fourth bar 31 comprises one or more flat panels. Augustin, however teaches a similar folding vehicle including fourth bars 12 which comprise flat panels. It would have been obvious to modify Ma, by making the fourth bar a flat panel, to provide a more rigid frame, and to provide a frame which is more aesthetically pleasing.

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma '486 in view of either Wu or Howell.

As set forth above, Ma teaches substantially all that is claimed, but does not teach a pivotal stepping plate. However, Wu and Howell each teach similar vehicles which have a pivotal stepping plate. It would have been obvious to modify Ma, by including a pivotal stepping plate, as taught by either Wu or Howell, to provide a foot rest for coasting.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ma '486 in view of Ma '589.

As set forth above, Ma '486 teaches substantially all that is claimed, but does not teach a push bar attached to a back support. However, Ma '589 teaches a similar vehicle which includes

such a push bar 4. It would have been obvious to modify Ma '486, by including such a push bar, as taught by Ma '589, to enable pushing of the vehicle.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ma '486 and Ma '589 as applied to claim 19 above, and further in view of Li.

As set forth above, the combination teaches substantially all that is claimed, but does not teach an elliptical handle on the push bar. However, Li teaches a similar device including such a handle (fig. 2). It would have been obvious to modify the combination, by including an elliptical handle, as taught by Li, to provide for easier gripping.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih in view of Augustin.

As set forth above, Shih teaches substantially all that is claimed, but does not disclose that the fourth bar comprises one or more flat panels. Augustin, however teaches a similar folding vehicle including fourth bars 12 which comprise flat panels. It would have been obvious to modify Shih, by making the fourth bar a flat panel, to provide a more rigid frame, and to provide a frame which is more aesthetically pleasing.

11. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shih in view of either Wu or Howell.

As set forth above, Shih teaches substantially all that is claimed, but does not teach a pivotal stepping plate. However, Wu and Howell each teach similar vehicles which have a pivotal stepping plate. It would have been obvious to modify Shih, by including a pivotal stepping plate, as taught by either Wu or Howell, to provide a foot rest for coasting.

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12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih in view of Ma '589.

As set forth above, Shih teaches substantially all that is claimed, but does not teach a push bar attached to a back support. However, Ma '589 teaches a similar vehicle which includes such a push bar 4. It would have been obvious to modify Shih, by including such a push bar, as taught by Ma '589, to enable pushing of the vehicle.

13. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shih and Ma '589 as applied to claim 19 above, and further in view of Li.

As set forth above, the combination teaches substantially all that is claimed, but does not teach an elliptical handle on the push bar. However, Li teaches a similar device including such a handle (fig. 2). It would have been obvious to modify the combination, by including an elliptical handle, as taught by Li, to provide for easier gripping.

14. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tsai, Chuang, Blease, Boudreau and Niemeyer disclose various devices having features in common with the instant invention.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel G. DePumpo whose telephone number is 703 308-1113.

The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703 308 1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel G. DePumpo
Primary Examiner
Art Unit 3611

dgd
4/5/04